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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5971/2020, CM.Nos.21583 & 21915/2020

SOUTH POINT COLLEGE OF PHARMACY Petitioner

Through Mr.Sanjay Sharawat, Adv.

versus

ALL INDIA COUNCIL FOR TECHNIC

AL EDUCATION

..... Respondent

Through Mr.Anil Soni, Standing Counsel with
Mr.Devesh Dubey, Adv.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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11.09.2020

This hearing is conducted through video conferencing.

1. This writ petition is filed by the petitioner seeking an appropriate direction to quash the letter/communication dated 14.07.2020 sent by the respondent.

2. The relevant portion of the said communication dated 14.07.2020 reads as follows:

“ With reference to your letter No. SPSP/2020/03/3606 dated 11.3.2020 on the aforesaid subject, it is to inform you that DML T course as standalone is not allowed as per APH 2020-21 wherein the course nomenclature appears in Engineering/Technology i.e. Diploma/Degree, Hence you may apply as new Institute in the next Academic Year.

This issues with the approval of the competent authority”

3. Hence, a perusal of the aforesaid communication shows that on the ground that the DMLT course is a standalone course, the extension of approval for the same has been denied to the petitioner.

4. It is the case of the petitioner that on 30.04.2015, the respondent

AICTE granted approval to the petitioner for three courses, namely, Diploma in Pharmacy, Diploma in Medical Lab Technology and Diploma in Pharmaceuticals. In 2019, the petitioner submitted an application for closure of the course 'Diploma in Pharmaceuticals'. The petitioner submitted an application seeking extension of approval for two courses, namely, Diploma in Pharmacy and Diploma in Medical Lab Technology. Vide communication dated 10.04.2019, AICTE granted extension of approval for the said two courses. However, it is stated that inadvertently the approval letter mentioned all the three courses, which is a typographical error. In February, 2020, the petitioner submitted an application for extension of the aforementioned two courses. In the meantime, on 05.03.2020 the Supreme Court in its judgment in T.P.No.87-101/2014, held that for pharmacy courses the institutions will have to obtain only approval from Pharmacy Council of India. In view of the said judgment, pursuant to a communication received from the respondent, the petitioner on 07.05.2020 sent an e-mail to the respondent requesting for grant of extension of approval only for DMLT course. It is in response to that the communication dated 14.07.2020 has been received. It is stated that the last date for grant of affiliation is 15.09.2020.

5. Learned counsel for the petitioner has stressed that the petitioner course is not a standalone course as the petitioner is running two courses, one is 'Diploma in Medical Lab Technology' for which the respondent has to grant approval and the second is 'Diploma in Pharmacy' for which the petitioner has received approval from the Pharmacy Council of India. He also relies upon an order passed by this court in the case of ***'Deen Dayal Rustagi College of Pharmacy v. All India Council for Technical***

Education', W.P.(C) 5012/2020 dated 19.08.2020 to submit that under somewhat identical facts and circumstances, the court had directed that appropriate steps to be taken by the respondent.

6. It is manifest from the above that the petitioner college is running two courses and the DMLT course cannot be said to be as a standalone course. Accordingly, in my opinion, the impugned communication issued by the respondent dated 14.07.2020 is erroneous and based on incorrect appreciation of facts.

7. Learned counsel for the respondents, who has taken instructions in this regards, states that he does not refute the aforesaid factual position.

8. In view of the above, the said communication dated 14.07.2020 is quashed. I pass the same directions as passed in W.P.(C) 5012/2020, namely as follows:

“10. In view of the above, the respondent is directed to give the extension of approval forthwith as per law to enable the petitioner to participate in the counselling for the academic year 2020-21 for the said course. All consequential steps would also be taken by the respondent.”

9. The petitioner will send a copy of the recognition received from the Pharmacy Council of India to the respondent forthwith. The petitioner will also complete all formalities including payment of TER charges.

10. With the above direction, the present petition is disposed of. All pending applications, if any, are also disposed of.

JAYANT NATH, J.

SEPTEMBER 11, 2020/v